

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Special Civil Application No.5718 of 1995
with
Special Civil Application No.6236 of 1995
with
Special Civil Application No.9449 of 1995
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For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN and
MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?-Yes.
2. To be referred to the Reporter or not?-Yes.
3. Whether Their Lordships wish to see the fair copy of the judgement?-No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?-No.
5. Whether it is to be circulated to the Civil Judge?-No.

NILAKUMARI ABHESINH PARMAR

Versus

DISTRICT PRIMARY EDUCATION OFFICER

Appearance:

SPECIAL CIVIL APPLICATION No 5718 of 1995
MR BN PATEL for Petitioner
MR HS MUNSHAW for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 2.
MR D.P. Joshi, AGP, for Respondent Nos. 3 and 4.

Specal Civil Applicaiton No.6236 of 1995

MR BN PATEL for Petitioners
NOTICE SERVED BY DS for Respondent No. 1.

MR HS MUNSHAW for Respondent No. 2

MR D.P. Joshi, AGP, for Respondent Nos. 3 and 4.

Special Civil Application No.9449 of 1995

MS JAYSHREE C BHATT for Petitioners.

MR D.P. Joshi, AGP, for Respondent No.1.

MR HS MUNSHAW for Respondent No. 3

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and

MR.JUSTICE A.R.DAVE

Date of Judgment : 02/04/98

ORAL JUDGMENT : (Per K. Sreedharan, C.J.)

1. Banaskantha District Panchayat invited applications as per Notification dated 25.4.1995 for filling up the post of Primary Teachers. The recruitment to the post is governed by the Gujarat Panchayat Service (Recruitment of Primary Teachers) Rules, 1970. As per that Rule, candidate must have attained age of 18 years before the first day of July of the year in which the recruitment is made. Since Notification was issued on 25.4.1995, as per the Rules, a candidate should have completed the age of 18 years before 1st July, 1995. This is so because the year in which the recruitment is made is 1995. Only on issue of Notification can the process of recruitment be initiated.

2. In the Notification dated 25.4.1995, it was provided that a candidate should have completed 18 years of age as on 1.7.1994. As a result of this, petitioners in these petitions, who completed the age of 18 years before 1.7.1995, but later to 1.7.1994, could not apply. They contend that they are entitled to apply for the post in accordance with the Rules. By interim orders passed in the cases, they were considered for selection on the ground that they are eligible to apply.

3. Learned counsel representing the Panchayat rightly and fairly conceded before us that recruitment covered by Notification dated 25.4.1995 is controlled by the provisions contained in the Gujarat Panchayat Service (Recruitment of Primary Teachers) Rules, 1970. In that situation, a candidate, who puts in application pursuant to the Notification, should have completed the age of 18 years before the first day of July of the year in which the recruitment is made. In the instant case, the process of recruitment started only in 1995. Consequently, the crucial date for assessing the

eligibility is 1st July, 1995. Since the petitioners have completed the age of 18 years on 1st July, 1995, they are entitled to be considered for selection to the post of Primary Teachers. In this view, respondents are directed to consider the claims of the petitioners as eligible candidates for the post notified on 25.4.1995. Petitions are allowed in the above terms. Rule is made absolute accordingly. No costs.

(apj)